

AND IN THE MATTER OF a complaint made by Mr. B. Tie Khouw, that he was (1) denied occupancy in two apartment buildings and (2) discriminated against because of colour on or about the 6th day of October, 1962 and the 7th day of November, 1962 at Rosedale Manor and Cloverdale Manor in Windsor, Ontario, owned by Wonsch Construction Company Limited.

The Ontario Human Rights Commission,
8 York Street,
Toronto 1.

Gentlemen:

Pursuant to my appointment by the Minister of Labour on the 28th day of January, 1963, as a Board of Inquiry under the Ontario Human Rights Code to inquire into the above-mentioned complaint, I arranged for a hearing to be held on March 5th, 1963, in the Essex County Council Chambers, Windsor, Ontario. At the hearing on that date the Wonsch Construction Company Limited was represented by Charles J. Clark, Q.C., and Charles L. Dubin, Q.C. appeared on behalf of the Ontario Human Rights Commission.

After opening the hearing I requested that counsel for both parties meet with me to discuss the course that the inquiry might take, and also whether any settlement of the matter complained of might be reached. Arising from those discussions it became apparent from the statements of Mr. Clark that there had undoubtedly been a policy on the part of the Wonsch Construction Company Limited to refuse applications from prospective tenants because of their colour. Mr. Clark also indicated that after conversations with Mr. Edward F. Wonsch, President of the Wonsch Construction Company Limited, he felt that Mr. Wonsch had now been convinced of the changes made in the law by the amendments to the Human Rights Code with respect to apartment buildings in particular. In light of these conversations with counsel, and bearing in mind that the effectiveness of the Ontario Human Rights Code depends on a process of public education, I suggested that counsel for the Commission and counsel for the Wonsch Construction Company should meet in an endeavour to work out a satisfactory settlement concerning the matters about which Mr. Tie Khouw complained. From the point of view of assisting in the elimination of any possible future discriminatory practices in the Windsor district, I felt

a voluntary statement by Mr. Wonsch, recognizing that he had acted in contravention of the declared public policy of this province, together with an apology to the complainant and an offer of a vacant tenancy to Mr. Tie Khouw in either of the two apartments concerned, would have a much greater impact than continuing with the taking of evidence from employees and others who were probably acting under instructions from their employer. On this basis, I adjourned the hearing pending a meeting of counsel and set the time for the re-convening of the hearing at 1 p.m.

Prior to the re-convening of the public hearing at one o'clock, I met with counsel and with Mr. Wonsch and at that time Mr. Wonsch signed, in my presence, the following four letters which I set out in full:

March 5, 1963

Mr. B. T. Khouw,
368 Partington Avenue, Apt. 2,
Windsor, Ontario.

Dear Mr. Khouw:

I want to publicly and unreservedly apologize to you for having been responsible for the denial to you of an apartment in a building owned by the Wonsch Construction Company Ltd. because of your colour.

I hereby offer you the first available apartment in either Rosedale or Cloverdale Apartments at the same rent and subject to the same conditions as are offered to any other tenant.

Yours sincerely,

Edward Wonsch, President,
Wonsch Construction Co. Ltd.

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March 5, 1963

Dr. Daniel G. Hill,
Director, Ontario Human Rights Commission,
8 York Street,
Toronto, Ontario.

Dear Dr. Hill:

As President of Wonsch Construction Co. Ltd., which is the owner of several apartment buildings in the Windsor area, I want to assure you that henceforth I shall fully comply in the rental of any

apartment with the Ontario Human Rights Code, and shall post in a conspicuous place in every apartment building owned by Wonsch Construction Ltd. the Ontario Human Rights Code.

Yours sincerely,

Edward Wonsch, President,
Wonsch Construction Co. Ltd.

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March 5, 1963

Mr. A. Vanier,
Building Superintendent,
Cloverdale Apartments,
University Avenue West,
Windsor, Ontario.

Dear Mr. Vanier:

I hereby instruct you to post in the Cloverdale Apartments the Ontario Human Rights Code and instruct you henceforth in the rental of any apartment to specifically comply with the provisions of that Code.

Yours sincerely,

Edward Wonsch, President,
Wonsch Construction Co. Ltd.

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March 5, 1963

Mr. George Bullock,
Building Superintendent,
Rosedale Manor,
306 Partington Avenue,
Windsor, Ontario.

Dear Mr. Bullock:

I hereby instruct you to post in the Rosedale Manor Apartments the Ontario Human Rights Code and instruct you henceforth in the rental of any apartment to specifically comply with the provisions of that Code.

Yours sincerely,

Edward Wonsch, President,
Wonsch Construction Co. Ltd.

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On the execution of these letters, when the public hearing re-opened at 1 p.m., I read the four letters in the presence of the press and other members of the public, and announced that in view of the full retraction and apology and the manifestation of good faith on the part of Mr. Wonsch, as indicated in the directions

to his superintendents, I would recommend to the Minister that no further action should be taken concerning Mr. Tie Khouw's complaint.

Since the hearing adjourned, I have forwarded by registered mail to the respective addressees the letters signed by Mr. Wonsch. I am attaching photostatic copies of the original letters to this report.

Although the Wonsch Construction Company Limited has undoubtedly violated the policy set forth in the Ontario Human Rights Code, I feel that the full statement made by Mr. Wonsch, which has appeared in the press and elsewhere concerning his willingness to abide in the future by that policy, expressing publicly and unreservedly an apology to Mr. Tie Khouw for denying him an apartment previously by reason of his colour, is a more effective sanction for the furtherance of the policy of the Ontario Human Rights Code than any possible prosecution. It is to be hoped that a statement of the change in policy of the Wonsch Construction Company Limited will also have value in furthering the objects of the Code in the Windsor and other districts.

I therefore recommend that, in view of the matters outlined in this report and in particular the letters and admissions made by Mr. Wonsch which have been duly forwarded to the respective parties, no further action regarding Mr. Tie Khouw's complaint be taken.

All of which is respectfully submitted.

Dated at Toronto, Ontario, this 7th day of March, 1963.

(Signed) Cecil A. Wright
Board of Inquiry



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